

Bolangir, 17 were attributable to such causes."

Under such circumstances, the Central Planning Committee (CPC), headed by Secretary (Welfare), should examine the implementation of the Action Plan.

Patenting of Basmati rice by rice Tec. Inc. of Texas, U.S.A.

PROF. RAM KAPSE (Maharashtra): Sir, recently India has had to fight against American companies being granted patents about Neem and Haldi. We have to fight another battle now.

On September 2, 1997, Rice Tec. a U.S. based company, was granted patent for developing a new strain of rice, and it will be able to sell it as Basmati rice. This is going even further than its earlier practice of selling its rice under brand names like "Kasmati" "Jasmati" and "Texmati" which were obviously named with fraudulent intention to make them sound like Basmati.

I urge upon the Government to contest the patent grant, as Basmati is globally known as a product specific to the climate and soil conditions and the cultivation process indigenous to the Indian sub-continent.

India annually exports 4 to 5 lakh tonnes of Basmati rice, mainly to the Middle East, Europe and the United States.

In the interest of rice-growers and exporters and in national interest we may have to go in appeal against the issuing of the patent, and our Government should also approach the World Trade Organisation as the Rice Tec. Company has violated the principle of geographical indication contained in article 22 in the WTO's trade related intellectual property rights agreement.

It is more than a month now that India got information about the mischievous act of the U.S. company. I request the Minister to make a statement about the actions the Government has initiated in

the matter, and I urge upon the Government to take the farmers into confidence.

Need for immediate discussion on issue of not having any law on patent product in India resulting in bio-piracy on important agriculture products like Haldi and Basmati rice by the U.S.A. and other countries

SHRI S.S. SURJEWALA (Haryana) Mr. Chairman, I do not like to repeat, what has already been said by Dr. Ram; Kapse. I would like to point out that on account of lack of any legislation in our country on the issue of product patent, India has been suffering. It has already suffered immensely. Till today there is no law in India which can protect our produce. I would like to elaborate it a little.

As a signatory to the GATT agreement, India is obliged under article 27(3) (b) that plant variety protection is provided through either patents or a *sui generis* system or a combination of both. The plant variety protection legislation has been finalised by the concerned Ministry, and its outline has been approved by the Cabinet. The legislation, after due consideration, is to be submitted to Parliament for its enactment. The position now is that our own House, Rajya Sabha, has referred it to a Committee. The matter is hanging there. The Committee I do not know probably has not given its report.

The main features of the proposed legislation are that farmers' rights have been protected and farmers have also been recognised as breeders of plant varieties. The protection to a variety will be given subject to its conforming to distinctness, uniformity and stability along with agronomic and commercial utility. The ICAR has the expertise and is further getting geared to facilitate variety testing and also using bio-chemical and markers to stake national

claims to Indian varieties including the traditional ones to ensure the benefits accruing to us. An authority at the national level has been proposed to lay down procedures to conduct plant variety protection and also to deal with the policy to ensure a smooth functioning of the system. As per the agreed provisions of GATT, India was required to do the following in the area of Intellectual Property Rights:

1. Provision of pipe line protection by December 1996 was required. ----- Although an ordinance was issued, the Bill could not be passed; as I have already said, it has been referred to Committee of this House.

2. Under TRIPS, India is to pass an Act by December, 1999.-----This is required through a *sui generis* system, a system of its own kind befitting the national requirements.

Although the draft was prepared in 1994, we have not been able to put the Bill before Parliament. Unless we have the instrument in place, how can we protect our plant varieties? Obviously, countries like USA and Australia are getting protection on many of our original varieties, such as Taxamati, which is actually Basmati and it has been got patented by USA. Another variety which is also purely an Indian gram, and is also called as Bengal Gram, has already been patented by Australia under the name Chickpa.

Therefore, gradually, all the other countries are taking advantage and are pirating cmr own products causing a very serious harm to this country, particularly to the farmers of this country.

I have already pointed out that India has an Act ----- 1970 Patents Act ----which protects only processing but not the final product. Therefore, what is required is that this Parliament should pass the Bill on Patent Products,

which is pending in this House. It Should be done without delay. Whatever harm has been caused, it is for the Government of India to look into. The new Government which has come into being, should take up this issue without any further delay.

Large-scale violation of Labour laws by Industrialists

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I seek your kind indulgence to draw the attention of the entire House to the peculiar situation that is prevailing in and around Delhi, including Haryana. I seek your indulgence to say that in this country, a State Government is refusing to carry out the opinion expressed by the investigating officials of the Human Rights Commission. The Government is Haryana and its Chief Minister is Mr. Bansi Lal.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Why name Say only Haryana Chief Minister.

SHRI GURUDAS DAS GUPTA: Sir, I have never alleged anything against Mr. Bansi Lal. I am only saying who the Chief Minister is.

SHRI TRILOKI NATH CHATURVEDI: At least everyone has the knowledge about his name.

SHRI GURDAS DAS GUPTA: Sir, I understand where the shoe pinches. Anyway...

SHRI TRILOKI NATH CHATURVEDI: Have your bartered your shoes?

SHRI GURDAS DAS GUPTA: Sir, let us not speak of shoes in this august House.

Sir, the position is that there was and there is still a widespread violation of labour laws in Delhi, Haryana, some parts of UP and some parts of Rajasthan. The minimum Wages Act is being violated, unions are not being allowed to be registered, union officials are being